

05-4217

UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT

FILED

DEC 8 - 2005

MICHAEL HANS
CLERK OF COURT

No. 05-4217

Mary Plubell, etc.,

Appellee,

vs.

Merck & Co., Inc.,

Appellant.

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Appeal from the United States
District Court for the
Western District of Missouri

ORDER

On December 20, 2005, the court granted Merck's application for permission to appeal and transferred this case to the regular docket. On the court's own motion, the briefing schedule established on December 2, 2005, is set aside.

At the court's direction, the clerk of the court contacted counsel for both parties to determine if they would agree to extend the sixty-day period set out in 28 U.S.C. Section 1453(c)(2) to January 26, 2006. Counsel have informed the clerk that they do consent to the extension, and an extension of time to complete all action in the appeal is granted to January 26, 2006.

It is further ordered that the clerk shall set this case for oral argument in St. Louis, Missouri on January 10, 2006, at 9:00 a.m.

The parties have informed the clerk that no further briefing is anticipated at this time. The parties may file FRAP 28(j) citations of supplemental authorities to bring to the court's attention any significant and pertinent authorities which may be issued by other courts. In the event

either of the parties determines that more extensive briefing is desirable as a result of developments in the law, they may submit a motion for permission to file supplemental briefs.

December 8, 2005

Order Entered at the Direction of the Court:

Michael E. Gans

Clerk, U.S. Court of Appeals, Eighth Circuit

A TRUE COPY OF THE ORIGINAL
MICHAEL E. GANS CLERK
UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT
BY: *Michael E. Gans*